

(Pub. L. 102-166, title III, § 304, Nov. 21, 1991, 105 Stat. 1090.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 60m of this title.

§ 1205. Step I: Counseling

(a) In general

A Senate employee alleging a violation may request counseling by the Office. The Office shall provide the employee with all relevant information with respect to the rights of the employee. A request for counseling shall be made not later than 180 days after the alleged violation forming the basis of the request for counseling occurred. No request for counseling may be made until 10 days after the first Director begins service pursuant to section 1203(b)(4) of this title.

(b) Period of counseling

The period for counseling shall be 30 days unless the employee and the Office agree to reduce the period. The period shall begin on the date the request for counseling is received.

(c) Employees of Capitol Police

In the case of an employee who is a member of the Capitol Police, the Director may refer the employee to the Capitol Police Board for resolution of the employee's complaint through the internal grievance procedures of the Capitol Police Board for a specific period of time, which shall not count against the time available for counseling or mediation under this chapter.

(Pub. L. 102-166, title III, § 305, Nov. 21, 1991, 105 Stat. 1090; Pub. L. 103-283, title III, § 312(f)(2), July 22, 1994, 108 Stat. 1446.)

AMENDMENTS

1994—Subsec. (c). Pub. L. 103-283 amended heading and text of subsec. (c) generally. Prior to amendment, text read as follows: “In the case of an employee of the Architect of the Capitol or an employee who is a member of the Capitol Police, the Director may refer the employee to the Architect of the Capitol or the Capitol Police Board for resolution of the employee's complaint through the internal grievance procedures of the Architect of the Capitol or the Capitol Police Board for a specific period of time, which shall not count against the time available for counseling or mediation under this chapter.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 60m, 1203, 1204, 1207 of this title.

§ 1206. Step II: Mediation

(a) In general

Not later than 15 days after the end of the counseling period, the employee may file a request for mediation with the Office. Mediation may include the Office, the employee, and the employing office in a process involving meetings with the parties separately or jointly for the purpose of resolving the dispute between the employee and the employing office.

(b) Mediation period

The mediation period shall be 30 days beginning on the date the request for mediation is received and may be extended for an additional 30

days at the discretion of the Office. The Office shall notify the employee and the head of the employing office when the mediation period has ended.

(Pub. L. 102-166, title III, § 306, Nov. 21, 1991, 105 Stat. 1091.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 60m, 1203, 1204, 1207 of this title.

§ 1207. Step III: Formal complaint and hearing

(a) Formal complaint and request for hearing

Not later than 30 days after receipt by the employee of notice from the Office of the end of the mediation period, the Senate employee may file a formal complaint with the Office. No complaint may be filed unless the employee has made a timely request for counseling and has completed the procedures set forth in sections 1205 and 1206 of this title.

(b) Hearing board

A board of 3 independent hearing officers (referred to in this chapter as “hearing board”), who are not Senators or officers or employees of the Senate, chosen by the Director (one of whom shall be designated by the Director as the presiding hearing officer) shall be assigned to consider each complaint filed under this section. The Director shall appoint hearing officers after considering any candidates who are recommended to the Director by the Federal Mediation and Conciliation Service, the Administrative Conference of the United States, or organizations composed primarily of individuals experienced in adjudicating or arbitrating personnel matters. A hearing board shall act by majority vote.

(c) Dismissal of frivolous claims

Prior to a hearing under subsection (d) of this section, a hearing board may dismiss any claim that it finds to be frivolous.

(d) Hearing

A hearing shall be conducted—

(1) in closed session on the record by a hearing board;

(2) no later than 30 days after filing of the complaint under subsection (a) of this section, except that the Office may, for good cause, extend up to an additional 60 days the time for conducting a hearing; and

(3) except as specifically provided in this chapter and to the greatest extent practicable, in accordance with the principles and procedures set forth in sections 554 through 557 of title 5.

(e) Discovery

Reasonable prehearing discovery may be permitted at the discretion of the hearing board.

(f) Subpoena

(1) Authorization

A hearing board may authorize subpoenas, which shall be issued by the presiding hearing officer on behalf of the hearing board, for the attendance of witnesses at proceedings of the hearing board and for the production of cor-